

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET – TO BE CONTINUED & RESET										
CR No: 15-3762 JH			USA vs.: Ali							
Date: May 10, 2018			Name of Deft: Nael Ali							
Before the Honorable: Judith C. Herrera										
Time In/Out:		10:31 A.M. – 12:50 P.M.			Total Time in Court (for JS10):			2 hours + 19 minutes (Continued Evidentiary Sentencing)		
Clerk:		I.Duran			Court Reporter:			P.Baca		
AUSA:		Kris Houghton & Sean Sullivan			Defendant's Counsel:			Jerry D. Herrera		
Sentencing in:		Albuquerque, NM			Interpreter:			None		
Probation Officer:		Melissa Pedraza			Interpreter Sworn?			Yes	No	
Convicted on:		<input checked="" type="checkbox"/>	Plea		Verdict	As to:	<input checked="" type="checkbox"/>	Information		Indictment
If Plea:			Accepted		Not Accepted	Adjudged/Found Guilty on Counts: 1 & 2				
If Plea Agreement:			Accepted		Not Accepted	No Plea Agreement		Comments:		
Date of Plea/Verdict:		10/18/2017	PSR:		Not Disputed		Disputed		Courts adopts PSR Findings	
Evidentiary Hrg:		Not Needed		Needed		Exceptions to PSR:				
SENTENCE IMPOSED				Imprisonment (BOP):						
Supervised Release:							Probation:			
REC		500-Hour Drug Program			BOP Sex Offender Program		Other:			
ICE		Court recommends ICE begin removal proceedings immediately or during service of sentence								ICE not applicable
SPECIAL CONDITIONS OF SUPERVISION										
No re-entry without legal authorization						Home confinement for months days				
Comply with ICE laws and regulation						Community service of 60 hours				
Participate in/successfully complete subst abuse program/testing						Reside halfway house months days				
Participate in/successfully complete mental health program						Register as sex offender				
Refrain from use/possession of alcohol/intoxicants						Participate in sex offender treatment program				
Must provide accurate & lawful income tax returns, etc.						Possess no sexual material				
No contact with co-defendant(s) or co-conspirator(s)						No computer with access to online services				
No entering or loitering near victim's residence						No contact with children under 18 years				
Provide financial information						No volunteering where children supervised				
Grant limited waiver of confidentiality						Restricted from occupation with access to children				
Refrain from use and possession of synthetic cannabinoids, etc.						No loitering within 100 feet of school yards				
No possession of a firearm, ammunition, destructive device or any other dangerous weapon						Participate in an educational or vocational program approved by the Probation Officer				
OTHER:										
Fine: \$					Restitution: \$					
SPA: \$					Payment Schedule:			Due Immediately		Waived
OTHER:										
Advised of Right to Appeal			Waived Appeal Rights per Plea Agreement							
Held in Custody			Voluntary Surrender							
Recommended place(s) of incarceration:										
Dismissed Counts:										
Govt. states his appearance for the record & introduces various people present in court today. Both Defense counsel enter their appearances for the record.										
OTHER COMMENTS:										

Ct. makes inquiry. Govt. states that several witnesses will be called (Noel Wagner, Liz Wallace, Pamela Phillips, Ira Wilson & Tanya Rafael).

10:35 A.M. Govt. (Mr. Sullivan) calls Elizabeth Nancy Wallace.

10:35 A.M. Witness Elizabeth Nancy Wallace SWORN.

10:37 A.M. Direct examination by Govt.

10:44 A.M. Defense counsel Mr. Herrera makes objection.

10:44 A.M. Ct. sustains objection.

10:44 A.M. Defense counsel Mr. Herrera makes objection.

10:45 A.M. Govt. responds.

10:45 A.M. Ct. overrules objection.

10:45 A.M. Direct examination continues by Govt.

10:49 A.M. Cross examination by Defense by Mr. Herrera

10:51 A.M. Cross examination by defense Ms. Rivas

10:51 A.M. Re-direct examination by Govt. (Mr. Sullivan)

10:52 A.M. Witness Excused.

10:53 A.M. Defense calls Witness Noel Wagner.

10:53 A.M. Witness Noel Wagner SWORN.

10:53 A.M. Direct examination by Govt. (Mr. Houghton).

10:58 A.M. Govt's Exhibit #1 shown on ELMO. Govt. admits Exhibit #1.

10:58 A.M. No objection by defense counsel on behalf of Ali & Manasra

10:58 A.M. Ct. admits Exhibit #1.

11:02 A.M. Direct examination continues by Govt. (Mr. Houghton).

11:06 A.M. Govt. moves to admit Exhibit #2

11:06 A.M. No objection by defense counsel on behalf of Ali & Manasra

11:06 A.M. Ct. admits Exhibit #2

11:06 A.M. Govt. Mr. Houghton continues direct examination.

11:10 A.M. Govt. introduces Exhibit #3 & moves for admission.

11:10 A.M. Defense counsel on behalf of Ali & Manasra have no objection to admission.

11:10 A.M. Ct. admits Exhibit #3.

11:11 A.M. Govt continues direct examination

11:17 A.M. Defense counsel makes objection.

11:17 A.M. Ct. makes inquiry.

11:17 A.M. Govt. responds.

11:18 A.M. Ct. directs Govt's counsel to lay foundation.

11:18 A.M. Govt. continues direct examination.

11:18 A.M. Defense counsel makes objection.

11:18 A.M. Ct. allows testimony.

11:18 A.M. Govt. continues direct examination.

11:24 A.M. Govt. introduces Exhibit #4 & moves to admission Exhibit #4

11:24 A.M. Defense Herrera objects to admission of Exhibit 4.

11:24 A.M. Defense Rivas takes no position.

11:25 A.M. Ct. calls bench conference with counsel.

11:33 A.M. Ct. admits Exhibit #4

11:33 A.M. Govt. plays recording of Exhibit #4.

11:41 A.M. Cross Examination by Defense counsel Mr. Herrera

11:49 A.M. No questions by Ms. Rivas.

11:49 A.M. Ct. makes inquiry re: timing of hearing.

11:50 A.M. Govt. responds. Govt. calls Witness Tanya June Rafael.

11:51 A.M. Witness Tanya June Rafael SWORN.

11:51 A.M. Direct examination by Govt. Mr. Sullivan.

11:56 A.M. Defense counsel Herrera makes objection.

11:56 A.M. Ct. overrules objection.

11:56 A.M. Direction examination continues.

11:57 A.M. Cross-examination by defense counsel Mr. Herrera.

11:58 A.M. Witness excused.

11:58 A.M. Defense counsel Herrera addresses the Court.

11:58 A.M. Govt. calls Pamela Phillips.

11:59 A.M. Witness Pamela Jean Phillips SWORN.

11:59 A.M. Direct examination by Govt. (Mr. Houghton).

12:03 P.M. Defense counsel Herrera makes objection.

12:04 P.M. Ct. makes inquiry.
12:04 P.M. Govt. responds to the Court.
12:04 P.M. Defense counsel replies.
12:05 P.M. Ct. addresses the parties.
12:07 P.M. Govt. responds.
12:08 P.M. Ct. addresses the parties.
12:08 P.M. Direct examination continues.
12:10 P.M. Defense counsel Herrera makes objection.
12:10 P.M. Ct. makes inquiry of Ms. Rivas
12:11 P.M. Defense counsel Rivas responds to the Court.
12:12 P.M. Govt's counsel Houghton continues direct examination.
12:19 P.M. Cross-examination by defense counsel Mr. Herrera.
12:28 P.M. Cross-examination by defense counsel Ms. Rivas.
12:31 P.M. Govt. calls Ira Wilson.
12:31 P.M. Witness Ira T. Wilson SWORN.
12:31 P.M. Direct examination by Govt. (Mr. Sullivan)
12:39 P.M. Cross-examination by Defense counsel Herrera
12:43 P.M. Ct. makes inquiry of witness.
12:44 P.M. Witness responds.
12:46 P.M. Witness excused.

12:48 P.M. Based on scheduling, the Court will continue sentencing as to Nael Ali.
12:49 P.M. Ct. will hold sentencing today as to Mohammad Manasra.
12:49 P.M. Govt. addresses the Court & tenders Exhibit 1 – 4.
12:50 P.M. Ct. in recess & will reconvene at 2:00 P.M. as to Defendant Manasra.
Ct. will reset sentencing as to Defendant Ali for a later date.